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PART I—SECTION 3

Notifications relating to Non-Statutory Rules, Regulations, Orders and Resolutions issued by the Ministry of Defence

MINISTRY OF DEFENCE

New Delhi, the 15th February, 1964

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890

AND

IN THE MATTER OF THE BENEVOLENT FUND ARMY NON-REGULAR OFFICERS

No. 363, dated 6th Feb. 1964—WHEREAS THE ADJUTANT GENERAL, Indian Army, acting in the administration of the fund mentioned above and as the person who proposes to apply the fund in trust for charitable objects has applied for vesting the fund mentioned in the Schedule hereto annexed in the Treasurer of Charitable Endowments for India and for the settlement of a Scheme for the administration of the said fund.

IT IS HEREBY notified that the Central Government in exercise of the powers conferred by sections 4 and 5 of the Charitable Endowments Act, 1890 (6 of 1890), and upon the application as aforesaid and with the concurrence of the said Adjutant General both hereby order and direct that the moneys set out in the said Schedule shall as from the publication of this notification vest and be henceforth vested in the Treasurer of Charitable Endowments for India and his successors in office (subject to the provisions of the Charitable Endowments Act, 1890, and the rules from time to time to be framed thereunder by the Central Government) upon trust to hold the said moneys and the income thereof in accordance with the trusts and terms set out in the Scheme set forth below.

AND IT IS HEREBY further notified that the said Scheme has, under sub-section (1) of Section 5 of the said Act, been settled for the administration of the said endowment and under sub-section (3) of the said Section 5 of the said Act, it is hereby further ordered that it shall come into force from 1st March, 1964.

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890

AND

IN THE MATTER OF THE BENEVOLENT FUND ARMY NON-REGULAR OFFICERS

Scheme for the administration of the Fund abovementioned.

1. *Definitions*—In this Scheme unless there is anything repugnant to the subject or context—

(a) "Dependant" means such relations of the subscriber to the fund as are included in the term "Dependant" as defined on the Pension Regulations.

(b) "Family" means wife and children of the subscriber.

Not—(i) "Children" means legitimate children.

(ii) An adopted child shall be considered to be a child if the Chairman of the General Committee is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child.

(iii) The words "wife" and "widow" include "wives" and "widows".

(c) "Fund" means the Benevolent Fund Army Non-Regular Officers.

(d) "General Committee" means the General Committee constituted under para 10 of this Scheme.

(e) "Officer" means the serving Non-Regular Commissioned Officer of the Regular Army.

(f) "Secretary, Accounts Officer/Treasurer" means Secretary, Accounts Officer/Treasurer of the fund.

(g) "Year" means the year commencing on the first day of April.

2. *Objects*—The objects of the fund shall be as follows :—

(a) To afford financial relief or assistance to deserving cases of—

(i) widows, children and other dependants of the deceased subscriber who dies in service;

(ii) subscribers who sustain permanent or partial disability which renders them incapable of earning an adequate living;

(iii) subscribers who are in acute financial distress; and

(iv) in exceptional cases wives, children and other dependants of the deceased officers who failed to subscribe under unavoidable circumstances (*vide* para 26 below).

(b) The doing of all other things which are incidental to the above objects or any of them.

3. *Extent*—The objects of the fund shall extend to any place or places whether in India or elsewhere.

4. *Assets of the fund*—The assets of the fund shall include the following :—

(a) moneys particulars whereof are given in the said Schedule;

(b) Compulsory quarterly subscriptions from all serving non-regular commissioned officers;

(c) voluntary donations and endowments whenever given or received;

(d) income from interest; and

(e) income from other sources.

5. *Subscriptions by Officers*—Every serving non-regular commissioned officer of the Army shall pay a quarterly subscription based on the actual rank for which pay is drawn during the last day of the quarter preceding that for which payment is made. No readjustment will subsequently be made on account of promotions, reversions, etc. of an officer notified later. Payment of subscription shall cease when the officer is removed, cashiered, dismissed, or released from service and also on resignation or relinquishment of commission. Contributions made will not be refunded. The quarterly rate of subscription shall be as under :—

				Rs.
2/Lieut.	..	..	..	6
Lieut.	..	..	..	6
Capt.	..	..	..	9
Major	..	..	..	12
Lt.-Col.	..	..	..	15
Col.	..	..	..	18
Brig.	..	..	..	21

Exception—a newly commissioned officer shall pay the first subscription from his first month's salary drawn by him as a commissioned officer for the quarter during which he is commissioned. Such a subscription will be in addition to the subscription payable by him in advance for the next quarter.

6. *Collection of subscription*—Subscription at the rate specified above will be recovered quarterly in advance by the controller of Defence Accounts (Officers), POONA, from officers in his payment by making deductions from the pay and allowances payable to the officer.

7. Officers not in the payment of the Controller of Defence Accounts (Officers), POONA, shall remit their subscriptions quarterly in advance based on the paid ranks held, direct to the Secretary of the fund.

NOTL—Every subscriber is primarily responsible to check and ensure that subscription towards this fund is regularly deducted from his pay or paid directly by him to the Secretary, as the case may be.

8. *Remittance of subscription*—The amount of subscription collected by the Controller of Defence Accounts (Officers), POONA, shall be credited each quarter to the account of the benevolent Fund Army Non-Regular Officers kept in the Bank of India Ltd., New Delhi, or any other scheduled bank approved in this behalf by the General Committee. Such credit shall be notified by the Controller of Defence Accounts (Officers), POONA, to the Secretary of the fund. A nominal roll showing the Personal and Account numbers, the rank and the name of the Officer and the amount recovered from him will also be forwarded by the Controller of Defence Accounts (Officers), POONA, to the Secretary of the fund.

9. *Vesting of assets*—The assets of the fund, particulars whereof are set out in the said Schedule shall be vested in the Treasurer of Charitable Endowments for India under the Scheme.

10. *General Committee*—For the management and administration of the fund a General Committee shall be constituted consisting of the following members, namely :—

- (a) Adjutant General;
- (b) Deputy Adjutant General;
- (c) Director of Personal Services;
- (d) An officer of Army Headquarters (not below the rank of Colonel) appointed by each of the following :—
Chief of the General Staff,
Quarter Master General,
Master General of the Ordnance,
Engineer-in-Chief,
Director of Medical Services;
- (e) Secretary; and
- (f) Accounts Officer/Treasurer.

11. *Chairman, Co-Chairman and Vice-Chairman*—The Adjutant General, the Deputy Adjutant General and the Director of Personal Services shall respectively be the ex-officio Chairman, Co-Chairman and Vice-Chairman of the General Committee.

12. *Provision regarding the Members of the General Committee*—(i) When a person becomes a member of the General Committee by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(ii) Subject to preceding clauses a member of the General Committee shall cease to be such member if he dies, resigns, becomes of unsound mind, becomes insolvent, is convicted of a criminal offence involving moral turpitude or is removed by the Central Government or is transferred from Army Headquarters.

(iii) A resignation of membership shall be tendered to the Chairman of the General Committee and shall not take effect until it is accepted on behalf of the Committee by the Chairman.

(iv) Any vacancy in the General Committee caused by any of the reasons mentioned in the above sub-clauses shall be filled by nomination, appointment or otherwise as circumstances of the case may require.

(v) Subject to the above, the appointment to the General Committee, the mode of their appointment, their tenure of office and other matters arising from and incidental thereto shall be determined by the bye-laws framed in respect of the same.

13. *Conduct of business*—The General Committee may meet together for the conduct of business, adjourn or otherwise regulate its meetings and proceedings in such manner as may be determined by the bye-laws. Unless otherwise determined, three members shall be a quorum. A meeting of the General Committee at which a quorum is present shall be competent to exercise all or any of the functions of the Committee. Every matter shall be determined by a majority of votes of the members present and voting on the question. The Secretary and the Accounts Officer/Treasurer shall have no right to vote. In case of equality of votes, the matter shall be decided according to the vote of the Chairman.

14. *Management of the Fund*—Subject to any general or special directions given by the Central Government the general management of the affairs of the fund shall be vested in and rest with the General Committee.

15. *Functioning by General Committee*—The General Committee shall function notwithstanding that any person who is

entitled to be a member by reason of his office is not a member for the time being and notwithstanding any other vacancy in the General Committee and no act or proceeding of the General Committee shall be invalid merely by reason of the happening or any of the above events or of any defects in the appointment of any member of the General Committee.

16. *Framing of bye-laws*—The General Committee may make bye-laws for the regulation, management and any other purpose connected with the execution of the fund and the trusts thereof and may alter, vary or rescind the same from time to time.

17. *Appointment of committees*—The General Committee may appoint one or more committees and such officers and staff as may be considered necessary.

18. *Delegation of powers*—The General Committee may delegate any of its powers to any Committee so appointed or to any one or more members of the Committee. The General Committee or any other Committee so appointed may also delegate any of its powers to one or more of its members so far as such delegation relates, in the opinion of the General Committee or such other Committee, as the case may be, to merely ministerial acts and involves no discretion or is necessary and conformable to common usage.

19. *Members of the General Committee not entitled to remuneration*—Members of the General Committee or any other committee appointed as aforesaid other than the Secretary, Accounts Officer/Treasurer of the General Committee or such other Committee shall not be entitled to any remuneration but shall be entitled to be reimbursed their actual travelling expenses in respect of journeys to attend the meetings of the General Committee or other Committee or journeys undertaken by them for the purposes of the fund.

20. *Appointment of staff*—A Secretary, Accounts Officer/Treasurer and such other officers and staff as the General Committee may consider necessary shall be appointed by the General Committee and their remuneration, terms of appointment etc. shall be fixed by that Committee.

21. *Deposit of moneys*—All moneys received from the subscribers or other sources shall be deposited with the Bank of India Ltd., New Delhi, or any other scheduled bank approved in this behalf by the General Committee in current or other accounts.

22. *Accounts and Audit*—Regular accounts shall be kept of all moneys and assets belonging to the fund (excepting those vested in the Treasurer of the Charitable Endowments for India), and shall be audited by the auditors appointed by the General Committee.

23. *Contracts*—All contracts relating to the administration of the fund shall be expressed to be made in the name of the General Committee of the fund and signed on its behalf by either the Chairman, the Co-Chairman or the Vice-Chairman and shall also be countersigned by the Secretary of the fund.

24. *Use of the Fund*—It shall be lawful for the General Committee to expend for the objects of the fund as mentioned above the income of the moneys and properties of the fund or any part thereof and in case the same be not sufficient, to expend the corpus of the fund not exceeding in any year 10 per cent, of the amount for the time being standing to the credit of the fund. The Committee may at its sole and absolute discretion expend in any year more than 10 per cent, of the said amount with the consent of at least two-thirds of the members of the Committee for the time being present at the meeting.

25. *Sale and investment of moneys*—It shall be lawful for the General Committee to direct the Treasurer of Charitable Endowments for India to sell or otherwise dispose of any property of the Fund vested in him and invest the proceeds or other disposal of the property as well as any moneys or property not immediately required to be used for the objects of the fund as mentioned above in any one or more of the modes of investment for the time being authorised by law for the investment of trust moneys as the General Committee may think proper. The Treasurer of Charitable Endowments of India shall carry out the instructions of the General Committee regarding assets vested in him.

26. *Persons to benefit from the Fund*—Persons who are eligible to derive benefit under this Scheme shall be officers who have subscribed to the fund during their service and members of their family and their dependants as the case may be. In very exceptional cases, where undue hardship is caused to the beneficiaries by non-payment of subscription for a few days, under unavoidable circumstances, the General Committee can at their discretion extend the benefits to the dependants.

27. *Receipt of additional endowments*—The General Committee may receive any additional endowments, donations or other contributions in augmentation of any of the moneys and properties of the fund or for general purposes of the fund. It may also receive endowments, donations or other contributions for any special purpose connected with this scheme not inconsistent with or calculated to impede the due working of the provisions of this scheme.

The Schedule

A cash repayable loan of Rs. 50,000 from the Army Officers Benevolent Fund deposited in the Current Account of the Benevolent Fund Army Non-Regular Officers, with the Bank of India Ltd., New Delhi.

TNo. AOB/52753/44/AG/PS8/1297/DCAG-1)].

S. DEVANATH, Dy. Secy.